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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

TRUSTEES OF THE OREGON-  
WASHINGTON CARPENTERS-  
EMPLOYERS HEALTH AND  
WELFARE TRUST FUND, et al.

Plaintiffs,

v.

ANDERS CERTIFIED WELDING, INC.

Defendant.

Case No. 10-CV-1047-KI

PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT

(Oral Argument Requested)

L.R. 7.1(a) CERTIFICATION

Counsel for the moving parties certifies that he has made a good faith effort through a telephone conference with counsel for defendant to resolve the issues raised by this motion, but that the parties have been unable to do so.

MOTION

Pursuant to Fed. R. Civ. P. 56(a), plaintiffs move the court for summary judgment in their favor and against defendant on the ground and for the reason that there is no genuine dispute as to any material fact and plaintiffs the Trustees of the Oregon-Washington Carpenters-Employers Health and Welfare Trust Fund ("Health and Welfare Fund"), Oregon-Washington Carpenters-Employers Vacation-Savings Trust Fund ("Vacation Fund"), Oregon-Washington Carpenters-Employers Apprenticeship and Training Trust Fund ("Apprenticeship Fund"), Oregon-Washington Carpenters-Employers Pension Trust Fund ("Pension Fund"), and the Pacific Northwest Regional Council of Carpenters ("Union") are entitled to judgment as a matter of law as follows:

1. Requiring defendant to pay plaintiffs \$186,800.43 in fringe benefits contributions and union dues owed pursuant to a payroll examination that covered the time period from July 1, 2006 through June 30, 2010, \$56,161.06 in interest calculated through January 20, 2011, with interest continuing to accrue on the unpaid fringe benefit contributions (\$171,812.02) at the rate of 12% per annum from January 21, 2011, through entry of judgment, and interest continuing to accrue on the unpaid union dues (\$14,988.41) at the rate of 9% per annum from January 21, 2011, through entry of judgment; plus \$30,199.33 in liquidated damages on the unpaid fringe benefit contributions as of January 20, 2011, with liquidated damages continuing to accrue in an amount equal to one percent (1%) of the unpaid fringe benefit contributions (\$171,812.02) for each monthly period on and after January 20, 2011, that they remain unpaid.

2. Requiring defendant to pay plaintiffs a reasonable payroll examination fee in the sum of \$2,043.00;

3. Requiring defendant to pay plaintiffs a reasonable attorney's fee in an amount to be determined at the close of this case; and

4. Requiring defendant to pay plaintiffs the court costs incurred in an amount to be determined at the close of this case.

In support of this motion, plaintiffs rely on the record herein, the accompanying declarations of Gerald Auvil, Bruce Ashback, Earl Ratliff, and Cary Cadonau, and the accompanying memorandum in opposition to defendant's motion for summary judgment and in support of plaintiff's motion for summary judgment.

DATED this 9th day of September, 2011.

BROWNSTEIN, RASK, SWEENEY, KERR,  
GRIM, DeSYLVIA & HAY, LLP

By: /s/ Paul G. Dodds  
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